THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 6050 of 2007

26-03-2007

Between:-

Bhojanapalli Ramarao

Petitioner

And

Government of A.P., rep., by its Principal Secretary, Revenue Department, Secretariat, Hyderabad and five others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 6050 of 2007

Oral order:

Irrationally invoking the urgency clause under Section 17 (4) of the Land Acquisition Act, 1894 (for short 'the Act') and dispensing with the salutary process of enquiry under Section 5A of the Act, the second respondent issued a notification under Section 4 (1) of the Act, which has been published on 10-02-2007 in Eenadu daily, proposing acquisition of certain lands for the purpose of widening of the road within the limits of Jaggaiahpet town.

The shop of the petitioner in premises bearing old No. 3-126/A (Assessment No. 1561) and New D.No. 7-115(2), (Assessment No. 9417) situated at Nehru Chowk

Centre, Maseed Road, Jaggaiahpet, Krishna district is also involved in the acquisition process. Assailing the acquisition, the writ petition is filed.

The widening of the road in Jaggaiahpet town, Krishna district would not have been an over night decision. It requires considerable forethought and planning. There has to be assessment for widening, deployment of funds to meet the acquisition cost as well as the deployment of manpower for execution of the widening. In the context of such available time and decision making over a period of time, this court is satisfied that the invocation of urgency clause is irrational, as is the dispensing with the process of salutary enquiry under Section 5-A of the Act.

Accordingly and on the above analysis, after hearing the learned Government Pleader for Land Acquisition, the writ petition is allowed. The invocation of urgency clause and dispensing with the enquiry under Section 5A of the Act are declared irrational; and the second respondent and other respondents are directed to issue a notice to the petitioner soliciting objections under Section 5A of the Act. On receipt of objections from the petitioner, within the period specified in such notice, the competent authority shall consider the same and take appropriate decision on the need for acquisition. Such decision shall be communicated to the petitioner by registered post acknowledgement due and only thereafter

shall further proceedings under the provisions of the Act be pursued. Till then, the petitioner shall not be dispossessed nor his property is interfered with. There shall be no order as to costs.

GODA RAGHURAM, J

Dated:26-03-2007
Pvks/*

Nb: Operative portion by wire at party's cost.
B/o pvks/*